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OFFICE OF PETITIONS

Wenderoth, Lind, & Ponack
1030 15th Street N.W.
Suite 400 East
Washington, DC 20005-1503

In re Patent No. 7,566,728 :
Teshima et al. : DECISION UPON REMAND AND
Issue Date: July 28, 2009 : RECONSIDERATION OF
Application No. 10/508,339 : PATENT TERM ADJUSTMENT
Filed: October 25, 2004 : AND NOTICE OF INTENT
Attorney Docket No. 2004-1514A : TO ISSUE CERTIFICATE OF
Title: Remedy for Sleep : CORRECTION
Disturbance :

This is a decision following remand from the District Court for the District of Columbia regarding the patent term adjustment indicated on the above-identified patent. The Court remanded this matter to the U.S. Patent and Trademark Office for recalculation of the patent term adjustment in accordance with the decision in Wyeth & Elan Pharma Int'l Ltd. v. Kappos, 591 F.3d 1364 (Fed. Cir. 2010).

The patent term adjustment indicated on the above-identified patent has been recalculated as directed by the Court. The term of the above-identified patent is extended or adjusted by one thousand one hundred and forty-five (1145) days.

The application is being forwarded to the Certificates Branch for issuance of a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by one thousand one hundred and forty-five(1145) days.

Telephone inquiries specific to this matter should be directed to Senior Legal Advisor Kery A. Fries at (571) 272-7757.

/Kery A. Fries/

Kery Fries
Senior Legal Advisor Attorney
Office of Patent Legal Administration
Office of Associate Commissioner
For Patent Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,566,728

DATED : **July 28, 2009** **DRAFT**

INVENTOR(S) : Teshima et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 544 days

Delete the phrase "by 544 days " and insert – by 1145 days--

Day : Monday
Date: 9/20/2010

PALM INTRANET

Time: 09:28:55

PTA Calculations for Application: 10/508339			
Application Filing Date:	10/25/2004	PTO Delay (PTO):	642
Issue Date of Patent:	07/28/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	102
Post-Issue Petitions:	0	Total PTA (days):	1145
PTO Delay Adjustment:	605		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
72	09/20/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	601		
66.5	07/08/2009	PTA 36 MONTHS	67		
66	07/28/2009	PATENT ISSUE DATE USED IN PTA CALCULATION			
65	06/29/2009	EXPORT TO FINAL DATA CAPTURE			
64	06/26/2009	DISPATCH TO FDC			
63	06/22/2009	MAIL-RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ALLOWANCE			
62	06/22/2009	RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ALLOWANCE			
62	06/22/2009	RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ALLOWANCE			
61	06/21/2009	ADJUSTMENT OF PTA CALCULATION BY PTO			
61	06/21/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		34	
60	06/21/2009	ADJUSTMENT OF PTA CALCULATION BY PTO			
60	06/21/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	38		
59	04/28/2009	PETITION ENTERED			
58	05/01/2009	APPLICATION IS CONSIDERED READY FOR ISSUE			
57	04/28/2009	ISSUE FEE PAYMENT VERIFIED			
56	04/28/2009	ISSUE FEE PAYMENT RECEIVED			
55	03/04/2009	FINISHED INITIAL DATA CAPTURE			
54	02/03/2009	EXPORT TO INITIAL DATA CAPTURE			
53	02/23/2009	MAIL NOTICE OF ALLOWANCE			
52	01/22/2009	ISSUE REVISION COMPLETED			

51	02/23/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
50	02/23/2009	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
49	01/22/2009	DOCUMENT VERIFICATION			
48	02/23/2009	NOTICE OF ALLOWABILITY			
47	02/23/2009	DATE FORWARDED TO EXAMINER			
47	02/23/2009	DATE FORWARDED TO EXAMINER			
46	01/15/2009	SUPPLEMENTAL RESPONSE		38	33
41	01/22/2009	CASE DOCKETED TO EXAMINER IN GAU			
37	01/11/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
36	01/16/2009	DATE FORWARDED TO EXAMINER			
35	01/15/2009	SUPPLEMENTAL RESPONSE			
34	01/05/2009	DATE FORWARDED TO EXAMINER			
33	12/08/2008	AMENDMENT AFTER FINAL REJECTION			
32	09/12/2008	MAIL FINAL REJECTION (PTOL - 326)			
31	09/12/2008	FINAL REJECTION			
30	07/12/2008	DATE FORWARDED TO EXAMINER			
29	06/18/2008	RESPONSE AFTER NON-FINAL ACTION			
28	03/18/2008	MAIL NON-FINAL REJECTION			
27	03/13/2008	NON-FINAL REJECTION			
26	02/06/2008	DATE FORWARDED TO EXAMINER			
25	12/26/2007	RESPONSE AFTER NON-FINAL ACTION		64	23
24	12/26/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
23	07/23/2007	MAIL NON-FINAL REJECTION	575		-1
22	07/17/2007	NON-FINAL REJECTION			
21	07/17/2007	CASE DOCKETED TO EXAMINER IN GAU			
16	05/06/2007	CASE DOCKETED TO EXAMINER IN GAU			
15	10/14/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
14	10/25/2004	MISCELLANEOUS INCOMING LETTER			
10	10/14/2005	CASE DOCKETED TO EXAMINER IN GAU			
9	10/25/2004	REFERENCE CAPTURE ON IDS			
7	02/28/2005	CLEARED BY OIPE CSR			
6	02/18/2005	CLEARED BY OIPE CSR			
5	02/18/2005	CLEARED BY OIPE CSR			
4	10/25/2004	371 COMPLETION DATE			

3	02/08/2005	APPLICATION DISPATCHED FROM OIPE			
2	02/08/2005	NOTICE OF DO/EO ACCEPTANCE MAILED			

Search Another: Application# [] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to OASIS | Home page